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September 13, 1993

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Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

RE: GC Docket No. 92-52  
RM-7739; 7740; 7741

Reexamination of the Policy Statement  
on Comparative Broadcast Hearings

Dear Mr. Caton:

Transmitted herewith on behalf of American Women in Radio and Television is an original and nine copies of the **COMMENTS OF AMERICAN WOMEN IN RADIO AND TELEVISION, INC.**, in the above-referenced proceeding.

Should further information be desired, kindly communicate directly with this office.

Very truly yours,

Melodie A. Virtue  
Vice President,  
Government Relations

Enclosures (10)  
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SEP 13 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARYBefore The  
**Federal Communications Commission**

Washington, D.C. 20554

In The Matter Of )

Reexamination of the Policy )  
Statement on Comparative )  
Broadcast Hearings )GC Docket No. 92-52  
RM-7739  
RM-7740  
RM-7741

To: The Commission

**Comments of  
American Women in Radio and Television, Inc.**

American Women in Radio and Television, Inc. ("AWRT"), hereby respectfully comments in partial support of the *Further Notice of Proposed Rulemaking* ("FNPRM"), FCC 93-363, released August 12, 1993, in the above-captioned proceeding. In support thereof, the following is submitted:

In the *FNPRM*, the Commission solicited comments on its proposal to require winners in comparative hearing proceedings to hold and operate their new stations for three years, which is an extension of the current one year holding period. The Commission proposes to extend the holding requirement in part owing to comments AWRT filed earlier in this proceeding. The FCC recognized that simply to provide a preference to applicants promising to operate the proposed stations for longer periods would in effect operate as a mandatory requirement, since virtually all applicants would seek such a preference.

AWRT supports the FCC's proposal to require that new applicants operate their stations for three years. The longer holding

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period would reduce the number of speculators in comparative hearing proceedings. Thus, the Commission, and bona fide applicants, would not have to expend resources weeding out contenders who plan only to sell their construction permits once they have operated the station for a minimal amount of time.

A three year holding period will provide service continuity more effectively than retaining the one year holding period. AWRT, however, does not believe the holding period should be any longer than three years. Although the previous three-year rule corresponded to the renewal term when it, too, was three years, AWRT agrees with the Commission that changing the holding period to the current license term of five years for television stations and seven years for radio stations would possibly go too far by discouraging applicants who cannot foresee their ability to commit to operating a start-up station for a full license term. A three year holding period strikes a good balance between discouraging trafficking in new facilities without deterring bona fide applicants.

AWRT also agrees that the only instance in which an applicant can be relieved of its requirement to operate a new station for three years is when the presiding judge specifically relieves the applicant of its obligation.<sup>1</sup> Requiring the judge's approval would be consistent with the existing rule that requires releases from integration and divestiture pledges to be approved by the presiding judge. For those licensees who

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<sup>1</sup> The Commission should also consider what circumstances are appropriate to relieve a licensee subject to the three year holding period when not excused by the presiding judge. The Commission should make clear whether any justifications apart from a distress sale would warrant a waiver of the three year rule. For instance, the Commission should determine in the course of this proceeding whether serious illness or bankruptcy would justify a waiver.

have not been relieved of their pledges, it is appropriate to require new station owners to report to the Commission on an annual basis for three years on the anniversary of program test operation regarding any deviation from their integration and divestiture pledges, as well as on their passive/active ownership structures. Alternatively, the Commission could require the report to be made as a supplement to the new licensee's annual ownership reports.

In fairness to applicants who have applied for stations and are in the process of litigating their proposals, the new three year holding requirement should be applied only to applicants who have not yet been set for hearing. Applying the revised holding requirement only to new hearing cases will avoid the need to re-litigate cases that have already been decided.

AWRT, however, does not favor application of the three year holding requirement to acquisitions of existing stations outside of the comparative hearing context. A three year holding period on all acquisitions has the likelihood of reducing the overall number of transactions. A reduction in the number of transactions would correspondingly reduce the number of opportunities for women to purchase existing stations. Consequently, AWRT cannot support a rule change that would reduce the opportunities for women to become owners of existing broadcast facilities.

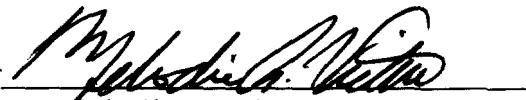
WHEREFORE, the premises considered, American Women in Radio and Television, Inc., supports the extension of the holding period from one to three years as it applies to licensees selected through the comparative hearing process, but does not support the initiation of a

proceeding to inquire whether service continuity requirements should be imposed with respect to facilities acquired other than through the comparative hearing process.

Respectfully submitted,

American Women in Radio  
and Television, Inc.

By

  
Melodie A. Virtue  
Vice President,  
Government Relations

AMERICAN WOMEN IN RADIO AND TELEVISION, INC.  
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Washington, D.C. 20036

202/429-5102

September 13, 1993

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered\*, to the following:

\*David S. Senzel, Esq.  
Office of General Counsel  
Federal Communications Commission  
Room 610  
1919 M Street, NW  
Washington, DC 20554



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Barbara L. Rascon

\*Hand Delivery

September 13, 1993